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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/055,357	01/23/2002	Teruyuki Maruyama	2271/66669	9272

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EXAMINER	
BURLESON, MICHAEL L	
ART UNIT	**PAPER NUMBER**
2626	

DATE MAILED: 12/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/055,357	MARUYAMA, TERUYUKI	
	Examiner	Art Unit	
	Michael Burleson	2626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) 1-6 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) 1-6 is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date 01/23/02, 07/2[illegible]/03.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Priority

1. Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d).

Information Disclosure Statement

2. The information disclosure statements (IDS) were submitted on 01/23/2002 and 07/25/2003. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Claim Rejections - 35 USC § 101

1. 35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

The claimed invention is directed to non-statutory subject matter. Regarding claim 3, a program must be on a computer readable medium.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 5 is recites the limitation "said secondary storage" in page 25, line 10. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

KAW

2. Claims 1-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kim US 6115141 in view of Trachtman US 2002/0126321.

1. Regarding claim 1, Kim teaches of a facsimile that receives a fax (figure 3), which reads on a communication apparatus comprising; receiving means for receiving a plurality of image data and accompanying communication information. Kim teaches of a memory (18) (column 3,lines 17-21), which reads on a primary storage means for temporarily storing said image data and communication information, said primary storage means being adapted for high-speed forwarding. Kim teaches of a buffer memory (26) (figure 2), which reads on a secondary storage means having a storage capacity greater than that of said primary storage means. Kim teaches of a second decoder (30) (column 3,lines 41-46), which reads on forwarding means for converting said image data to a standard format and forwarding said standard format image data

together with said communication information. Kim teaches of a CPU (10) (column 5,lines 19-22), which reads on network communication means connected to a server apparatus via a network for transmitting said standard format image data together with said communication information to said server apparatus. Kim teaches that if a fax message is not received then the user can start retransmission process (figure 3), which reads on retransmitting means operable in case of a failure of transmission. Kim teaches that the buffer memory (26) stores the facsimile numbers that correspond to the fax message stored in the CPU (10) (column 4,lines 59-55, which reads on retransmitting means saves said image data and communication information stored in said primary storage means in said secondary storage means. Kim teaches that the CPU (10) overwrites the received fax message (column 4,lines 24-30), which reads on deletes said image data from said primary storage means, converts the saved image data into a standard format. Kim teaches that the facsimile message is retransmitted (column 4,lines 34-65), which reads on retransmits the standard format image data together with said communication information to said server apparatus.

2. Kim fails to teach of repeats retransmission in case of a failure of the preceding retransmission.

3. Trachtman teaches of a number of retries given for a facsimile (page 11, paragraph 0220 and 0221), which reads on repeats retransmission in case of a failure of the preceding retransmission.

The communication apparatus of Kim could have easily been modified to repeat the retransmission of a facsimile message of Trachtman. This modification would have

been obvious to one skilled in the art at the time of the invention to ensure that the retransmitted facsimile message is delivered.

4. Regarding claim 2, Kim teaches of a memory (18) (column 3,lines 17-21) and a buffer memory (26) (figure 2). This reads on said primary storage means is an SAF memory and said secondary storage means is a hard disk.

5. Regarding claim 3, Kim teaches of a program (column 3,lines 17-22), which reads on a program transmitting image data to a server apparatus. Kim teaches of a facsimile that receives a fax (figure 3), which reads on a receiving means for receiving a plurality of image data and accompanying communication information. Kim teaches of a memory (18) (column 3,lines 17-21), which reads on a primary storage means for temporarily storing said image data and communication information, said primary storage means being adapted for high-speed forwarding. Kim teaches of a buffer memory (26) (figure 2), which reads on a secondary storage means having a storage capacity greater than that of said primary storage means. Kim teaches of a second decoder (30) (column 3,lines 41-46), which reads on forwarding means for converting said image data to a standard format and forwarding said standard format image data together with said communication information. Kim teaches of a CPU (10) (column 5,lines 19-22), which reads on network communication means connected to a server apparatus via a network for transmitting said standard format image data together with said communication information to said server apparatus. Kim teaches that if a fax message is not received then the user can start retransmission process (figure 3), which reads on retransmitting means operable in case of a failure of transmission. Kim

teaches that the buffer memory (26) stores the facsimile numbers that correspond to the fax message stored in the CPU (10) (column 4,lines 59-55, which reads on retransmitting means saves said image data and communication information stored in said primary storage means in said secondary storage means. Kim teaches that the CPU (10) overwrites the received fax message (column 4,lines 24-30), which reads on deletes said image data from said primary storage means, converts the saved image data into a standard format. Kim teaches that the facsimile message is retransmitted (column 4,lines 34-65), which reads on retransmits the standard format image data together with said communication information to said server apparatus.

6. Kim fails to teach of repeats retransmission in case of a failure of the preceding retransmission.

7. Trachtman teaches of a number of retries given for a facsimile (page 11, paragraph 0220 and 0221), which reads on repeats retransmission in case of a failure of the preceding retransmission.

The communication apparatus of Kim could have easily been modified to repeat the retransmission of a facsimile message of Trachtman. This modification would have been obvious to one skilled in the art at the time of the invention to ensure that the retransmitted facsimile message is delivered.

8. Regarding claim 4, Arguments are analogous to those stated in the rejection of claim 4. A recording medium that stores a program is inherently taught as evidenced by the CPU (10) and various memories stored therein (column 3,lines 17-21). Kim teaches of a facsimile that receives a fax (figure 3), which reads on a communication

apparatus comprising; receiving means for receiving a plurality of image data and accompanying communication information. Kim teaches of a memory (18) (column 3,lines 17-21), which reads on a primary storage means for temporarily storing said image data and communication information, said primary storage means being adapted for high-speed forwarding. Kim teaches of a buffer memory (26) (figure 2), which reads on a secondary storage means having a storage capacity greater than that of said primary storage means. Kim teaches of a second decoder (30) (column 3,lines 41-46), which reads on forwarding means for converting said image data to a standard format and forwarding said standard format image data together with said communication information. Kim teaches of a CPU (10) (column 5,lines 19-22), which reads on network communication means connected to a server apparatus via a network for transmitting said standard format image data together with said communication information to said server apparatus. Kim teaches that if a fax message is not received then the user can start retransmission process (figure 3), which reads on retransmitting means operable in case of a failure of transmission. Kim teaches that the buffer memory (26) stores the facsimile numbers that correspond to the fax message stored in the CPU (10) (column 4,lines 59-55, which reads on retransmitting means saves said image data and communication information stored in said primary storage means in said secondary storage means. Kim teaches that the CPU (10) overwrites the received fax message (column 4,lines 24-30), which reads on deletes said image data from said primary storage means, converts the saved image data into a standard format. Kim teaches that the facsimile message is retransmitted (column 4,lines 34-65), which reads on

retransmits the standard format image data together with said communication information to said server apparatus.

9. Kim fails to teach of repeats retransmission in case of a failure of the preceding retransmission.

10. Trachtman teaches of a number of retries given for a facsimile (page 11, paragraph 0220 and 0221), which reads on repeats retransmission in case of a failure of the preceding retransmission.

The communication apparatus of Kim could have easily been modified to repeat the retransmission of a facsimile message of Trachtman. This modification would have been obvious to one skilled in the art at the time of the invention to ensure that the retransmitted facsimile message is delivered.

11. Regarding claim 5, Kim teaches of a CPU (10) (column 3,lines 7-10), which reads on transmitting image data to a server apparatus using a preprogrammed computer. Kim teaches of a facsimile that receives a fax (figure 3), which reads on a receiving image data and accompanying communication information. Kim teaches of a memory (18) (column 3,lines 17-21), which reads on storing said image data and communication information in a primary storage means adapted for high-speed forwarding. Kim teaches of a second decoder (30) (column 3,lines 41-46), which reads on converting said image data to a standard format and forwarding said standard format image data together with said communication information. Kim teaches of a CPU (10) (column 5,lines 19-22), which reads on carrying out network communication for transmitting said standard format image data together with said communication

information to said server apparatus via a network. Kim teaches that if a fax message is not received then the user can start retransmission process (figure 3), which reads on in case of a failure of transmission. Kim teaches that the buffer memory (26) stores the facsimile numbers that correspond to the fax message stored in the CPU (10) (column 4,lines 59-55, which reads on saving said image data and communication information stored in said primary storage means in said secondary storage means having a storage capacity greater than that of said primary storage means. Kim teaches that the CPU (10) overwrites the received fax message (column 4,lines 24-30), which reads on deleting said image data from said primary storage means and converting the saved image data into a standard format. Kim teaches that the facsimile message is retransmitted (column 4,lines 34-65), which reads on retransmitting the standard format image data together with said communication information to said server apparatus.

12. Kim fails to teach of repeating retransmission in case of a failure of the preceding retransmission.

13. Trachtman teaches of a number of retries given for a facsimile (page 11, paragraph 0220 and 0221), which reads on repeating retransmission in case of a failure of the preceding retransmission.

The communication apparatus of Kim could have easily been modified to repeat the retransmission of a facsimile message of Trachtman. This modification would have been obvious to one skilled in the art at the time of the invention to ensure that the retransmitted facsimile message is delivered.

Regarding claim 6, Kim teaches of a facsimile that receives a fax and a memory (18) (column 3,lines 17-21 and figures 1 and 3), which reads on at least one communication apparatus having a primary storage means for temporarily storing said image data and accompanying communication information received through a public telephone line. Kim teaches of transmitting a facsimile document to another facsimile (column 1,lines 21-25 and figure 1), which reads on a server apparatus connected to said communication apparatus via a network and at least one user terminal connected to said server apparatus via said network. Kim teaches of a buffer memory (26) (figure 2). Kim teaches that the CPU (10) overwrites the received fax message (column 4,lines 24-30), which reads on said communication apparatus having a secondary storage means such that said image data and accompanying communication information are saved in said secondary storage means are deleted from said primary storage means in case of a failure of a transmission to said server apparatus.

Conclusion

Any inquiry concerning this communication should be directed to Michael Burleson whose telephone number is (571) 272-7460 and fax number is (571) 273-7460. The examiner can normally be reached Monday thru Friday from 8:00 a.m. – 4:30p.m. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kimberly Williams can be reached at (571) 272-7471

Michael Burleson
Patent Examiner
Art Unit 2626

MB

Mlb
December 7, 2005

KAWilliams

KIMBERLY WILLIAMS
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